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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,526	10/16/2003	Shigeru Kurosawa	FQ5-616 KAT.045	3993
21254 7590 03/24/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER ROSARIO, DENNIS				
ART UNIT		PAPER NUMBER		
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03/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Shigeru Kurosawa

Application No. 10/686,526
Technology Center

Mailed: March 24, 2009

Before Deborah Perry, *Supervisory Paralegal Specialist, Review Team*
Perry, *Supervisory Paralegal Specialist, Review Team*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 19, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed September 2, 2008 under the heading “Grounds of rejection to be reviewed on appeal” is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, finds that

“Claims 9,11,16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruwatari (U.S. Patent 5,912,705) in view of Horii et al. (U.S. Patent Application Publication No.: (U.S. 2002/0058536 A1).”

Whereas Appellant(s) have improperly listed these claims as
STATUS OF CLAIMS

“...Claims 9,11,18 and 19 are rejected under 35 U.S.C. 103(a) as...”

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

“...GROUND #3: THE OBVIOUSNESS REJECTION FOR CLAIMS 9, 11, 18, AND 19...”.

Correction of the Grounds of rejection to be reviewed on appeal for all claims is required. Please inform the Applicant that it is not required to resubmit the Appeal Brief in its entirety. It is acceptable to provide, exclusively, the corrected sections and adequate cover/transmittal.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on September 2, 2008 defective;
- 2) notify the Appellant to file a paper properly addressing the Grounds of rejection of all claims; and
- 3) for any such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/mev

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